



**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARCELO HERNANDEZ-
GUATEMALA,
Defendant.

Case No. 15-152 M
ORDER OF DETENTION

I.

The Court conducted a detention hearing:

- On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving
 - On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving

1 II.
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3 The Court finds that no condition or combination of conditions will
4 reasonably assure: the appearance of the defendant as required.
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6 the safety of any person or the community.
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8 If presumption applies,
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10 III.
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12 The Court has considered: (a) the nature and circumstances of the offense(s)
13 charged, including whether the offense is a crime of violence, a Federal crime of
14 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,
15 or destructive device; (b) the weight of evidence against the defendant; (c) the
16 history and characteristics of the defendant; and (d) the nature and seriousness of
17 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
18 considered all the evidence adduced at the hearing and the arguments, the
19 arguments of counsel, and the report and recommendation of the U.S. retrial
20 Services Agency.
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22 IV.
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24 The Court bases its conclusions on the following:
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26 As to risk of non-appearance:
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- 19 Lack of bail resources
- 20 Refusal to interview with Pretrial Services
- 21 No stable residence or employment
- 22 Previous failure to appear or violations of probation, parole, or
23 release
- 24 Ties to foreign countries
- 25 Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- 26

As to danger to the community:

- Nature of previous criminal convictions
- Allegations in present charging document
- Substance abuse
- Already in custody on state or federal offense
- Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- Insufficient bond resources to be presented from employer and family friend

V₁

- The Court finds a serious risk that the defendant will
 - obstruct or attempt to obstruct justice.
 - threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

The Court bases its conclusions on the following:

VI.

IT IS THEREFORE ORDERED that the defendant be detained until trial.

The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

The defendant will be afforded reasonable opportunity for private consultation with counsel. On order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal

1 for the purpose of an appearance in connection with a court proceeding.

2 [18 U.S.C. § 3142(i)]

3 Dated: February 9, 2015



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5 HON. MICHAEL R. WILNER
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7 UNITED STATES MAGISTRATE JUDGE
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